RECORD AND BRIEFS

Supreme Court, U.S.
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No. 05-71

IN THE SUPREME COURT OF THE UNITED STATES

LARRY SYNCLAIR, SR.. - Petitioner

vs.

COUNTY OF FRESNO, DEPARTMENT OF CHILD ABDUCTION UNIT, DISTRICT ATTORNEY'S OFFICE, and WILLIAM FRANK, RON HOPPER, DENNIS LEWIS, AND EDWARD HUNT, individually - Respondents

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

REPLY BRIEF FOR THE PETITIONER

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ARGUMENT

Respondents' remain silent, therefore do not contend, that this case involves issues "of national importance" (Petition p. 10). Nevertheless, they argue repeatedly in their brief that the Court should deny this petition for writ of certiorari, mostly on the ground that the Ninth Circuit's affirmation is correct. As explained in the petition, the Ninth Circuit's opinion is inconsistent with the other circuit courts opinions regarding the application of the *Rooker-Feldman* doctrine.

Therefore, the questions addressed in the petition, and the answers thereafter, are essential in addressing the parameters of how this doctrine should be correctly applied by the federal courts in the United States. Petitioner notes the federal court exceeded the interpretation of the doctrine, which was later affirmed by the circuit court.

In particular, the Ninth Circuit wrongly affirmed a federal court's decision to the doctrine in which:
1) petitioner did not seek a change in a state court decision through the federal court;
2) damages to the petitioner incurred not from a state court decision, but from the independent act of the Respondents, outside of court, in which they defied a court order; and,
3) petitioner invited the district court to review *only* allegations of due process violations committed by Respondents.

Overall, the Respondents' objections to the questions stated in the petition are unfounded and attempt to deviate the Court from making a decision that could

resolve future misinterpretation of the application of the doctrine. In *Exxon Mobil Corporation v. Saudi Basic Industries Corporation* 125 S. Ct. 1517, 1519 (2005) the U.S. Supreme Court states "the lower federal courts have variously interpreted the *Rooker-Feldman* doctrine to extend far beyond the contours of the *Rooker* and *Feldman* cases, overriding Congress' conferral of federal court jurisdiction concurrent with jurisdiction exercised by state courts, and superceding the ordinary application of preclusion law under 28 U.S.C. §1738."

1. Respondents Are Incorrect To Assert the Decision Entered by United States Court of Appeals for the Ninth Circuit Does Not Conflict With Decisions of Another United States Court of Appeals on the Same Matter.

The Respondents attempt to dispute cases cited in the petition avoided an important fact; where does the Ninth Circuit's affirmation of the District Court's application to use the doctrine parallels previous circuit court decisions? In particular, the Respondents fail to cite any cases that support the Ninth Circuit affirmation that the District Court "would have to rule on the constitutionality of the county official's actions which are 'inextricably intertwined' with the validity of a state court order" (Respondents' Brief p. 3).

In *Hoblock v. Albany County Board of Elections* 422 F.3d 77 (2nd Cir. 2005) it was established there are two procedural *Rooker-Feldman* requirements, imposed by

Exxon Mobil Corporation v. Saudi Basic Industries Corporation[1]: "1) the federal suit must follow the state judgment; and 2) the parties in the state and federal suits must be the same."

Petitioner has stated from the beginning his federal suit does not follow any state court judgment, but addresses Fourteenth Amendment violations committed by Respondents.

Petitioner wants to draw to the Court's attention that the Ninth Circuit affirmed a federal court's decision, using the *Rooker-Feldman* doctrine regarding subject-matter jurisdiction, in *Synclair v. County of Fresno*[2]. The Respondents improperly call themselves litigants of the state court decision (see Respondents Brief p. 4), *Synclair v Synclair* (Petition App.71), when in fact they were not a party to it. Parties to the state and federal suits are not the same.

There are two substantive *Rooker-Feldman* requirements, as explained in *Hoblock*[3]: "1) the federal plaintiff must complain of injury from a state-court judgment; and 2) the federal plaintiff must seek federal-court review and rejection of the state-court judgment."

As stated earlier, Petitioner's injuries are based on a government entity's administrative decision to issue a non-

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[1] 422 F.3d at 89 (citing 125 S.Ct. 1517, 1521-22 [161 L.Ed.2d 454 (2005))

[2] 115 Fed. Appx. 395 (9th Cir., 2004)

[3] 422 F.3d at 85 (citing 125 S.Ct. 1517, 1521-22 [161 L.Ed.2d 454 (2005))

judicial document *that resulted in* circumventing Petitioner's Fourteenth Amendment rights. Furthermore, Petitioner has never sought rejection of a state-court judgment. It is the Respondents that informed the Petitioner that they reject a state-court judgment and will not obey it.

2. Respondents Are Incorrect That The Ninth Circuit Rightfully Affirmed the District Court's Decision That It Has No Jurisdiction to Decide on Petitioner's Case Due to the *Rooker-Feldman* Doctrine.

Respondents noted the Ninth Circuit ruled the U.S. District Court "would have to rule on the constitutionality of the county official's actions which are 'inextricably intertwined' with the validity of a state court order" (Respondents' Brief p. 3). Specifically, the Ninth Circuit cites *Bianchi v. Rylaarsdam*[4] to support its decision[5]. In *Bianchi*:

> "*Rooker-Feldman* is a powerful doctrine that prevents federal courts from second guessing state court decision by barring the lower federal courts from hearing de facto appeals from state court judgments. If claims raised in the federal court action are "inextricably intertwined" with the state court's

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[4] 334 F3d 895, 898-90 (9th Cir. 2003)

[5] Citation made in *Sinclair v. County of Fresno*, 115 Fed. Appx. 395, 396 (9th Cir., 2004))

> decision such that the adjudication of the federal claims would undercut the state ruling or require the district court to interpret the application of state laws or procedural rules, then the federal complaint must be dismissed for lack of subject matter jurisdiction."

The Ninth Circuit's reliance on *Rooker-Feldman* via *Bianchi v. Rylaarsdam*, is inappropriate. The core issues that the Petitioner raised in federal court and what the Ninth Circuit addressed are dissimilar. Petitioner's federal suit addressed due process violations, which stand independent of any state-court decision. The ruling in *Bianchi* notes "Bianchi essentially asked the federal court to review the state court's denial in a judicial proceeding."[6] Again, the Ninth Circuit's reliance on *Bianchi* is unsuitable because Petitioner never sought any review of a state court decision. Petitioner sought review of the improper acts of government entities, that were outside the realm of any judicial proceedings, that violated his Fourteenth Amendment rights.

Finally, the Ninth Circuit's ruling to affirm the federal court's decision to dismiss itself under the *Rooker-Feldman* doctrine by citing *Bianchi* is improper based on the case itself recognizing "relief sought." In *Bianchi*, the Court noted:

> "[W]e must pay close attention to the relief sought by

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[6] 334 F3d 895, 898 (9th Cir. 2003)

> the federal-court plaintiff (citation omitted). Here, Bianchi seeks an order compelling the state court to recall its decision and reassign his case to be heard before a different panel of judges. *Rooker-Feldman* precludes adjudication of this claim because the only redress [Bianchi seeks is] an 'undoing' of the prior state-court judgment--a particularized challenge to an adjudication against him in state court clearly barred under *Rooker-Feldman* (citations omitted).[7]

It is not Petitioner seeking a recall of a state-court order. It is the Respondents' assumption that the Federal Court would have to review the state-court order, although, as Petitioner has stressed many times, the issue is due process violation by the Respondents' acts outside of court.

Petitioner's federal suit does not invoke the *Rooker-Feldman* doctrine. In comparison with *Bianchi*, the doctrine is unsuitable and should never been applied in federal court or affirmed by the Ninth Circuit.

3. Respondents' Arguments Stray From The Issues Presented in the Petition.

Respondents misinterpret cases stated in the petition that help define the application of the doctrine. These cases reveal the conflict created by the Ninth Circuit's affirmation of the District Court's decision.

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[7] 334 F3d 895, 900 (9th Cir. 2003)

For example, Petitioner cites *Van Harken v. City of Chicago*[8] to demonstrate the doctrine does not apply to "administrative decisions" by a government entity. The Respondents veer from the point the Petitioner is giving by claiming the case is inappropriate because there was no issue of "inextricable intertwining with a state court order" (Respondents Brief p. 4).

Another example given is the Respondents' misinterpretation of *Leaf v. Supreme Court of the State of Wisconsin*[9]. In *Leaf*[10], it states a district court "may have jurisdiction when the litigants' challenge is not directed at a state court's judicial proceedings, but rather involves a state court's administrative, legislative, or ministerial actions." In the Respondents brief, it claims they are litigants and the challenge "here is directly involved with a state court's judicial proceedings, i.e. the validity of the underlying State Court Order. Thus, this case does not contradict the Ninth Circuit's holdings but instead affirms it" (Respondents Brief p. 4). Petitioner disagrees. The Ninth Circuit's holdings do contradict other circuit court decisions. Returning to the Second Circuit Court decision in *Hoblock*[11] that cites *Exxon Mobil*, one of the two procedural requirements of the doctrine is that "the parties in the state and federal suits must be the same." Respondents were not a party to the state court order,

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[8] 103 F.3d 1346, 1348-1349 (7th Cir. 1997)
[9] 979 F.2d 598, 596 (7th Cir. 1992)
[10] Id
[11] 422 F.3d 77, 89 (2nd. Cir. 2005)

Synclair v. Synclair (Petition App.71). Therefore, it is improper for Respondents to identify themselves as litigants, via *Leaf*. Additionally, the Respondents had ample opportunity to file a motion to modify or vacate the state court judgment, within the legal time provided by state law, but chose not to.

Respondents' arguments also stray from the important issue of the petition. They respond to Petitioner's suffering of post traumatic stress disorder (Respondents Brief p. 11), present inappropriate statements about county court orders that have no relevance to the federal court case or the *Rooker-Feldman* doctrine (Respondents Brief p. 10), or prefer to focus on minor misquotes and grammatical errors (Respondent Brief pgs. 8-9).

In essence, this attempt by the Respondents to grasp at straws by attempting to cloud the main argument is not on solid ground. Therefore, the petition for writ of certiorari should be granted.

4. Respondents' statement about whether any state court of last resort has made a decision on this issue is moot.

The U.S. District Court never denied venue (Petition App. 5) and made several opinions prior to closing the case.

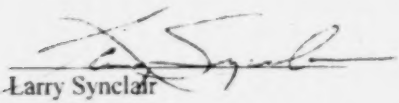
Under 28 USCA §1332(a)(1) Petitioner notes that he is a resident in the State of Oregon.

* * * * *

To dismiss this case or rule in favor of the Respondents would encourage other government entities to overstep the applications of the *Rooker-Feldman* doctrine, establish a loophole to disobey state court judgments, and throw the judicial powers of the court into disorder.

For the reasons stated above, and in the petition for a writ of certiorari, the petition should be granted.

Respectfully submitted,



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11/5/25
Date